

Franciscus Maria Dartee
c/o 12 Moonshadow Court
Kinnelon, New Jersey 07405

July 18, 2019

United States Bankruptcy Court
U.S. Court House
50 Walnut Street
Newark, NJ 07102

U.S. BANKRUPTCY COURT
FILED
NEWARK, NJ

2019 JUL 23 P 2:14

JEANNE NAUGHTON
BY: 
DEPUTY CLERK

Re: Reply to Opposition to
NOTICE OF MOTION TO DISMISS CASE UNDER 11 U.S.C. §707(a)
Case No. 18-26407-JKS

Dear Judge Sherwood:

Please accept this as my reply to the Trustee's opposition to my response to Trustee's request to dismiss case under 11 U.S.C. §707(a) as filed by the Trustee.

This reply is timely filed before the hearing date of July 23, 2019.

Contrary to the Trustee's assertion in her letter, Debtor is not seeking "to delay the motion for an indefinite period of time while her appeal of an unspecified order is on appeal." Debtor has made it clear in his response that he is only requesting the hearing to be delayed until such time that the appellate court has heard Debtor's filed appeal and made its determination.

The appellate court decision is vital to Debtor's case since, if ruled in Debtor's favor, it will vacate the relief from automatic stay *nunc pro tunc* and reinstate the automatic stay.

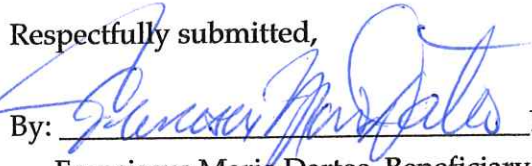
Debtor has also submitted a formal Adjournment Request with the court on July 8, 2019, that the hearing scheduled for July 23, 2019 @ 10:00 a.m. be adjourned and postponed until such time as the Appellate Court has ruled on the appeal. This appellate hearing was filed as DARTEE v. THE BANK OF NEW YORK, case no. 2:19-cv-00063, and was scheduled for hearing on 5/20/2019 before Judge John Michael Vazquez.

The Appellate Court to date has not yet ruled on the case but which ruling should be imminent. See, enclosed Docket Report as of today.

As such it should be evident that Debtor is only requesting delay of the motion for a "definite" period of time while his appeal of a "specified order" is on appeal.

Since the outcome of the Appellate Court decision is vital to my case, I request this Court adjourn the hearing scheduled for July 23, 2019 @ 10:00 a.m. and postpone it until such time as the Appellate Court has ruled on my appeal and made its decision as a matter of law and in the interest of justice.

Respectfully submitted,

By:  L.S.
Franciscus Maria Dartee, Beneficiary of
FRANCISCUS MARIA DARTEE
Tel: 1-973-626-6464

Encl'd: Copy of Trustee letter
Docket Report

I certify that on this day have mailed a copy of this letter via Electronic Mail to the following parties:

Nancy Isaacson, Esq.
Greenbaum, Rowe, Smith & Davis LLP
75 Livingston Avenue
Roseland, NJ 07068-3701
Email: nisaacson@greenbaumlaw.com

Office of the United States Trustee
One Newark Center
Suite 2100
Newark, NJ 07102
Email: michael.a.artis@usdoj.gov

NANCY ISAACSON, CHAPTER 7 TRUSTEE

Greenbaum Rowe Smith & Davis, LLP

**75 Livingston Ave.
Roseland, NJ 07068
(973) 535-1600**

July 9, 2019

Honorable John K. Sherwood
United States Bankruptcy Court
50 Walnut Street
Newark, NJ 07102

RE: Franciscus M. Dartee
Case No. 18-26407

Dear Judge Sherwood:

Trustee Nancy Isaacson submits this letter in lieu of a formal document in reply to Debtor's response to the pending motion to dismiss her petition for failure to attend the First Meeting of Creditors pursuant to 11 U.S.C. §341. Debtor's response seeks to delay the motion for an indefinite period of time while her appeal of an unspecified order is on appeal. Debtor does not explain why the outcome of the appeal is "vital" to her case or why she has not attended the 341 meeting.

Trustee's motion to dismiss Debtor's petition should not be adjourned and the petition should be dismissed.

Respectfully yours,

/s/ Nancy Isaacson

Chapter 7 Bankruptcy Trustee

NI:teb

cc: Ms. Franciscus M. Dartee, via regular mail
United States Trustee, via ECF

U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:19-cv-00063-JMV

DARTEE et al v. THE BANK OF NEW YORK et al
Assigned to: Judge John Michael Vazquez
Case in other court: Bankruptcy Court, 18-26407
Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Date Filed: 01/02/2019
Jury Demand: None
Nature of Suit: 422 Bankruptcy Appeal
(801)
Jurisdiction: Federal Question

In Re

FRANCISCUS MARIA DARTEE

Debtor

Appellant

FRANCISCUS MARIA DARTEE

represented by **FRANCISCUS MARIA DARTEE**

12 Moonshadow Court
Kinnelon, NJ 07405
973-626-6464
PRO SE

V.

Appellee

THE BANK OF NEW YORK

represented by **ASHLEY L. ROSE**

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LEAD ATTORNEY

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ATTORNEY TO BE NOTICED

Appellee

THE UNITED STATES TRUSTEE

represented by **MICHAEL A. ARTIS**

OFFICE OF THE UNITED STATES
TRUSTEE

PACER Service Center			
Transaction Receipt			
07/18/2019 15:17:06			
PACER Login:	fmdartee:4591028:0	Client Code:	
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